NOTES OF CASES.

Liability of Master for Wrongful Acts of Servant.—Defendant's servant, who was a caretaker of his island in Lake Champlain, was instructed to keep off trespassers. In obedience to such instruction, he refused to permit plaintiff to tie up his sloop to defendant's dock during a storm, by reason of which the sloop and her cargo were lost, and plaintiff and his family thrown into the sea and injured. In Ploof *v.* Putnam, 75 Atlantic Reporter, 277, the Supreme Court of Vermont, concludes that the servant's act was within the scope of his agency and done for the master's benefit. In reaching this conclusion, the court says that when the servant cast off the plaintiff's rope he was doing an act within the scope of his employment, and one which under ordinary circumstances would be proper and lawful, but in the peculiar circumstances then existing was improper and unlawful, and the defendant was responsible whether the act was done carelessly or wilfully, unless it was done from the caprice of the servant. It did not appear, however, that the servant had any personal interest to serve or that in the slightest degree he turned aside from the line of duty as he then understood it. This case was up at a former term in 71 Atlantic Reporter, 188, where a decision overruling a demurrer to the declaration was affirmed.

Liability of Telephone Company for Delay in Reporting Connection.—Plaintiff, on discovering his factory on fire, went immediately to the telephone to give a fire alarm. No one responded, though he called and worked the receiver for nine or ten minutes. He then handed the receiver to his wife, and started for the fire department. He met the hose cart on the way, the department having been called by a neighbor. The call was put in about 1:30 o'clock a. m. When the firemen reached the scene the fire was beyond control. In Volquardsen *v.* Iowa Telephone Company, 126 Northwestern Reporter, 928, the Supreme Court of Iowa holds that the telephone company was not liable because the destruction caused by the fire was not in direct proximate result of defendant's negligence, if any, in failing to provide prompt connection.

Women's Lodges, Counterfeit Money, etc.—A grass widow named Mrs. Robertson had an intimate acquaintance with one Foster, a young married man. Foster told her that if she would pay him $100 he would cause her to be initiated into a lodge, and she would there receive $500 in counterfeit money. They were to go to another town, where the initiation was to take place. She met him privately at the depot, and gave him $10 to purchase a ticket. He did so for $3.15, and kept the change. Later she gave him $20 to buy a mileage book, and he again did likewise. Arriving at their destination, she gave him $100 with which he went to get the $500 in spurious currency. He

didn't come back. She was left penniless and alone in a strange land. She borrowed enough money from a policeman to get back home, and caused a prosecution to be brought against Foster for cheating and swindling. In Foster *v.* State, 68 Southeastern Reporter, 739, the Georgia Court of Appeals held that since counterfeit money is not a thing of value, because its possession is criminal and a violation of the law to make, own, or use it, she could not be swindled. The court said: "However consummate the defendant's knavery may appear, however pitiable is the plight of the prosecutrix, we are constrained to hold that defendant cannot be convicted, for—

"When lovely woman stoops to folly
And finds too late that men betray,
What charm can soothe her melancholy?
What art can wash her guilt away?"

Reading of the Bible in Public Schools.—The reading of the Bible in the public schools of Illinois constitutes sectarian instruction, according to the opinion of the Supreme Court of Illinois in the case of People *v.* Board of Education of Dist. 24, 92 Northeastern Reporter, 251. The court holds that as the Douay or Catholic version of the Bible will not be accepted by Protestants, and the King James or Protestant version is inconsistent with the Catholic faith, the reading of the King James version in the public schools of Illinois deprives Catholic children of the freedom of religious worship guarantied to them in the Constitution. Judge Dunn says: "The Bible is not read in the public schools as mere literature or mere history. It is not adapted for use as a text-book for the teaching alone of reading, of history, or of literature, without regard to its religious character. Such use would be inconsistent with its true character and the reverence in which the Scriptures are held and should be held. If any parts are to be selected for use as being free from sectarian differences of opinion, who will select them? All sects, religious or even anti-religious, stand on an equal footing. The public school is supported by the taxes which each citizen, regardless of his religion or his lack of it, is compelled to pay. The school, like the government, is simply a civil question. It is secular, and not religious, in its purposes. The truths of the Bible are the truths of religion, which do not come within the province of the public school. The banishment of religious instruction from the public schools is done, not from any hostility to religion, but because it is no part of the duty of the state to teach religion—to take the money of all, and apply it to teaching the children of all the religion of a part only."

Jack Binns' "C. Q. D."—John R. Binns, an employee of the Marconi Wireless Telegraph Company, was on January 23, 1909, in charge of the wireless apparatus on board of the steamship Republic,